

ESTTA Tracking number: **ESTTA399361**

Filing date: **03/23/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

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| Name | Sven's Comfort Shoes, Inc. |
| Granted to Date of previous extension | 03/23/2011 |
| Address | 80 South 8th Street, Suite 4800 Minneapolis, MN 55402 UNITED STATES |
| Attorney information | Kyle T. Peterson Patterson Thuyente Christensen Pedersen P.A. 80 South 8th Street, Suite 4800 Minneapolis, MN 55402 UNITED STATES trademark@ptslaw.com Phone:(612) 252-1554 |

Applicant Information

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|--------------------------------|---|---------------------------------|------------|
| Application No | 78719860 | Publication date | 11/23/2010 |
| Opposition Filing Date | 03/23/2011 | Opposition Period Ends | 03/23/2011 |
| International Registration No. | NONE | International Registration Date | NONE |
| Applicant | Sven Holdings, Inc. #327, 611 Alexander Street Vancouver, V6A 1E1 CANADA | | |

Goods/Services Affected by Opposition

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| Class 035. All goods and services in the class are opposed, namely: Retail store services featuring men's, women's, and children's clothing, namely, sweatshirts, T-shirts, blouses, sweaters, dresses, sport shirts, dress shirts, pants, tanktops, tights, and scarves; headwear, namely, hats and toques, handwear, namely, gloves and mittens; but not including shoes or clogs |
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Applicant Information

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|--------------------------------|---|---------------------------------|------------|
| Application No | 78719864 | Publication date | 11/23/2010 |
| Opposition Filing Date | 03/23/2011 | Opposition Period Ends | |
| International Registration No. | NONE | International Registration Date | NONE |
| Applicant | Sven Holdings, Inc. #327, 611 Alexander Street | | |

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| | Vancouver, V6A 1E1 CANADA |
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Grounds for Opposition

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| Priority and likelihood of confusion | Trademark Act section 2(d) |
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Mark Cited by Opposer as Basis for Opposition

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|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 2452526 | Application Date | 07/26/1999 |
| Registration Date | 05/22/2001 | Foreign Priority Date | NONE |
| Word Mark | SVEN | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 025. First use: First Use: 1982/00/00 First Use In Commerce: 1982/00/00 Clogs | | |

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| Attachments | Notice of OppositionSVEN.pdf (4 pages)(62557 bytes) |
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

| | |
|-----------|---------------------|
| Signature | s/Kyle T. Peterson/ |
| Name | Kyle T. Peterson |
| Date | 03/23/2011 |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

| | | |
|--|---|------------------------------|
| Sven's Comfort Shoes, Inc. Opposer, |) | |
| |) | Opposition No.: _____ |
| |) | App. Nos. 78/719,860 |
| |) | 78/719,864 |
| v. |) | Marks: SVEN HOUSE |
| |) | SVEN HAUS |
| |) | Published: November 23, 2010 |
| Sven Holdings, Inc. |) | |
| Applicant. |) | |

NOTICE OF OPPOSITION

Sven's Comfort Shoes, Inc. ("Opposer"), a Minnesota corporation, located and doing business at 10,000 Lake Blvd., Chisago City, Minnesota, believes that it is, or will be, damaged by registration of Application Serial Nos. 78/719,860 and 78/719,864 for the marks SVEN HOUSE and SVEN HAUS covering "Retail store services featuring men women's, and children clothing, namely, sweatshirts, T-shirts, blouses, sweaters, dresses, sport shirts, dress shirts, pants, tank tops, tights, and scarves, headwear, namely, hats and toques; handwear, namely, gloves and mittens; but not including shoes or clogs," filed by Sven Holdings, Inc., a Canadian corporation located and residing at #327, 611 Alexander Street, Vancouver V6A 1E1 ("Applicant"), and hereby opposes same. As grounds for the opposition, and based on information as belief, Opposer alleges that:

1. Applicant is the owner of Application Serial Nos. 78/719,860 and 78/719,864 for the marks SVEN HOUSE and SVEN HAUS covering "Retail store

services featuring men women's, and children clothing, namely, sweatshirts, T-shirts, blouses, sweaters, dresses, sport shirts, dress shirts, pants, tank tops, tights, and scarves, headwear, namely, hats and toques; handwear, namely, gloves and mittens; but not including shoes or clogs.” Applicant filed its applications on September 23, 2005 based on an intention to use the mark.

2. Since long before Applicant’s filing date, Opposer has used the word mark SVEN continuously in commerce in connection with clogs and a retail store selling footwear and apparel.

3. Opposer is the owner of Registration No. 2,452,526 for the mark SVEN covering “clogs” issued on May 22, 2001, claiming a first use date of 1982. Both Opposer’s registration date and first use date are prior to Applicant’s filing date.

4. Registration No. 2,452,526 is valid and subsisting, and Opposer is currently using the SVEN mark in the United States for the goods listed in its registration.

5. The services set forth in Application Nos. 78/719,860 and 78/719,864 are closely related to Opposer’s goods and services marketed under the SVEN mark and listed in Registration No. 2,452,526.

6. The first word of Applicant’s SVEN HOUSE and SVEN HAUS marks is identical to Opposer’s SVEN mark in sound, appearance, connotation, and overall commercial impression.

7. In view of the similarities between the parties' marks, Applicant's SVEN HOUSE and SVEN HAUS marks, as applied to the services listed in Application Nos. 78/719,860 and 78/719,864 so resembles Opposer's SVEN mark in Registration No. 2,452,526 that it is likely to cause confusion or to cause mistake, or to deceive in violation of the Lanham Act (15 U.S.C. § 1052(d)).

8. If Applicant is permitted to register the SVEN HOUSE and SVEN HAUS marks for the goods listed in Application Nos. 78/719,860 and 78/719,864, such registration would be a source of damage and injury to Opposer.

Wherefore, Opposer prays Application Serial Nos. 78/719,860 and 78/719,864 be refused; that no registration issue; and that this Opposition be sustained in favor of Opposer.

If the filing fee is found to be insufficient for any reason, please charge the deficiency to Deposit Account No. 16-0631

Respectfully submitted,

Dated: March 23, 2011

By: s/Kyle T. Peterson/

Kyle T. Peterson
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Attorneys for Opposer
Sven's Comfort Shoes, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of March, 2011, I served the attached Notice of Opposition on the following attorney of record for Applicant by first class mail to the address listed below:

Leslie C. Ruiter
Stokes Lawrence PS
800 5th Ave. Ste. 4000
Seattle, WA 98104-3180

s/Kyle T. Peterson/

Kyle T. Peterson